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SUBJECT: GERDEC LEAKS CAUSE POLITICAL CIRCUS

11. (SBU) Summary. On May 11, the Supreme Court finally began hearing the Gerdec case against 27 defendants including former Defense Minister Fatmir Mediu and former Chief of Defense General Luan Hoxha. The court turned down the prosecution's request to remove three judges due to conflict of interest, damaging the public's belief that the case will receive a fair hearing. On the same day, many national newspapers claimed to have received copies of the prosecution's case and began publishing testimonies and evidence each day. Newspapers have largely tried to use their daily leaks to prove the involvement of Berisha's son Shkelzen. On Thursday, May 14, unknown persons (but suspected to be government proxies) allegedly bought and removed all copies of Gazeta Shqiptare from the market, supposedly because it contained evidence directly incriminating Shkelzen. However, the company quickly reprinted and redistributed new copies by noon. In a show of support, the Italian Ambassador paid a personal visit to the newspaper's offices. The government has not responded to the incident. For its part, the Prosecutor General has opened up an investigation into the leaks, which could seriously damage its Supreme Court case or add weight to charges by pro-GOA circles that the PG is somehow pro-opposition. End Summary.

GERDEC CASE OPENS WITH A PG DEFEAT

12. (SBU) On the court case's first day, the prosecution requested that three judges be recused, including the chief judge, Besnik Imeraj. They accused Imeraj of having close ties to the defendants, of being close friends with one of the lawyers of the accused former DefMin Fatmir Mediu, and that his daughter has been a lawyer for accused Albdemil director Mihal Delijorgji. The other two judges were criticized for similar ties. However, the court refused the prosecution's request. Several editorials criticized the court's decision, pointing to the damage the decision has done to the public's belief that the Gerdec case will get a fair hearing. They noted several similar recent high profile defeats prosecutors have received from the Supreme Court, including throwing out the cases against Foreign Minister Basha and against Serbo-Croatian businessman Demir Fazlic.

LEAKS AIMED AT BERISHA'S SON

13. (SBU) On the same day the trial opened, several newspapers claimed to have received the entire case against the defendants and began printing various testimonies and evidences from the case. Most leaks have focused on the involvement of Berisha's son Shkelzen. For example, leaks of telephone records reveal that only a few hours after the March 15, 2008 explosion at Gerdec, then-Defense Minister Mediu called Berisha's son four times. Further, Mihal Delijorgji, owner of Albademil (the company running Gerdec) called Shkelzen only 30 minutes after the explosion. Newspapers also noted that from January until the explosion, Delijorgji called Shkelzen 56 times. Additionally, seized notes from MoD secretaries reveal that throughout 2007 and 2008 then-DefMin Mediu had frequent meetings with Shkelzen. In one,

Shkelzen allegedly urged Mediu to increase the tempo of the provision of munitions to Gerdec.

14. (SBU) In one testimony, the secretary of then-Minister of Justice Aldo Bumci noted at least two meetings between Bumci and Shkelzen in 2007. And when questioned about a letter from Bumci to Mediu giving Bumci's approval for the draft-law on demilitarization that would open the way for Gerdec, she confirmed that Bumci had written on its cover "For Shkelzen Berisha." After this revelation, Bumci, still a prominent parliamentarian (and frequent Democratic Party attack dog), accused his former secretary of slander and sued her. Frightened, the secretary publicly claimed the testimony had been doctored.

THE GOVERNMENT STRIKES BACK

15. (SBU) Apparently, most troubling to Berisha's government were revelations about the involvement of Shkelzen's close friend Rahman Selmanllari. In the early hours of Thursday morning, May 14, unnamed individuals allegedly went to the publishing house of Gazeta Shqiptare and bought every copy of the day's paper, which contained revelations on Selmanllari. By open of business, no copies of Gazeta Shqiptare could be found on the market. The editors quickly blamed the government and printed new copies of the paper which it distributed by noon. In a show of support, that afternoon Italian Ambassador Saba d'Elia paid a visit to the newspaper's office.

16. (SBU) Berisha's followers' response to the incident has been incoherent at best. While the government has responded to all inquiries simply with "no comment," newspapers report that at first, PD spokeswoman Mehilli claimed that opposition leader Edi Rama blocked the paper, then later that the paper's own editors pulled

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the copies in order to draw attention to themselves.

17. (SBU) The evidence in question involves false testimony by Shkelzen's close friend Rahman Selmanllari. In Selmanllari's testimony, he confirms he has been Shkelzen's close friend for over ten years, but denies any involvement in or even knowledge of the Gerdec scandal. However, accompanying evidence proves otherwise. In the testimony of Patrick Henry, owner of SAC (the American company who subcontracted with Albdemil to run Gerdec), while he admits he never met Selmanllari, he claims that MEICO director Ylli Pinari (now on trial for Gerdec) persuaded Henry to appoint Selmanllari as his representative in Albania. Seized MoD documents also record Selmanllari as SAC's representative. In one case, Sellmanlari signed for the receipt of two cases of munitions for test rounds at Gerdec.

PROSECUTORS TROUBLED - INVESTIGATE LEAK

18. (SBU) For its part, the Prosecutor General has been troubled by the leak of its entire case, an action which could destroy the court procedure. On March 14, it announced that it has opened an investigation into the leak. A spokesperson stated, "The accused and their lawyers have been presented all the documents and evidence in the penal procedure and have received copies. This transfer has been documented legally and with the warning that it not be published. Giving this material to the media... not only damages the conducting of an orderly court procedure in judging this affair, but the documents also contain secrets whose revelation constitutes a penal violation."

COMMENT

19. (SBU) It is not uncommon in Albania for trial cases to be leaked to the media. Nor is it surprising in this case, where 27 defendants have received their own copies of the cases and may have 27 different reasons to leak pieces or all of the evidence. In spite of the PG's warning, there is no evidence that the media will suspend their gradual revelation of the thousands of pages of evidence they have received. If the leak came from within the PG,

it would show a surprising level of irresponsibility. If it came from someone trying to sabotage the court case, the plan has backfired, as the media has used it to smear Berisha and his family.

Whatever the case, the Gerdec trial and the political circus developing around it are sure to continue to play a prominent role in the approaching election.